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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

DAVID PONCE,  
Plaintiff,  
vs.

HANFORD POLICE HPD, a public entity;  
OFFICER BRIAN SCANDURA, in his  
individual and official capacity, and DOES 1-  
50, inclusive, Jointly and Severally,  
Defendants.

Case No.: 1:21-cv-01045-DAD-BAM

**STIPULATION AND [PROPOSED]  
ORDER FOR FURTHER EXTENSION  
OF TIME TO FILE RESPONSE TO  
AMENDED COMPLAINT**

**(L.R. 144)**

Pursuant to Local Rule 144, Defendants, HANFORD POLICE and OFFICER BRIAN SCANDURA (collectively “Defendants”) and Plaintiff, DAVID PONCE (“Plaintiff”), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, Plaintiff filed his FOURTH AMENDED COMPLAINT (“Amended Complaint”) on January 19, 2022, and Defendants were served following the filing;

WHEREAS, the Court entered into an Order upon stipulation by the parties to extend the deadline for Defendants to respond to the Complaint until May 26, 2022 (Doc. 23.);

WHEREAS, the Court entered into an Order upon stipulation by the parties to further extend the deadline for Defendants to respond to the Complaint until June 27, 2022 (Doc 25.);

WHEREAS, Defendants intend to file a Motion to Dismiss under Federal Rule 12(b)(6);

WHEREAS, counsel for Plaintiff is entering into a trial on July 29, 2022 which is expected to last 5 weeks and therefore is limited in time to respond to and argue a Motion to Dismiss;

1 WHEREAS, the parties have agreed to additional time for Defendants to respond to the  
2 Amended Complaint; and

3 THEREFORE, IT IS HEREBY STIPULATED by and among the parties, through their  
4 respective counsel, that Defendants shall answer or otherwise respond to the Amended Complaint  
5 on September 9, 2022.

6 THEREFORE, IT IS FURTHER STIPULATED by and among the parties through their  
7 respective counsel, that the Court continue the Mandatory Scheduling Conference which is  
8 currently set for September 22, 2022.

9 This Stipulation is made for good cause and not for purposes of delay.

10  
11 Dated: \_\_\_\_July 5, 2022\_\_\_\_ SIAS LAW INC.

12 By: /s/ Jason O. Sias  
13 Jason O. Sias  
14 Attorneys for: David Ponce

15 Dated: \_\_\_\_July 5, 2022\_\_\_\_ GRISWOLD, LaSALLE, COBB,  
16 DOWD & GIN, L.L.P.

17 By: /s/ Christina G. DiFilippo  
18 CHRISTINA G. DiFILIPPO  
19 Attorneys for: Hanford Police Department and  
20 Officer Brian Scandura

21 **ORDER**

22 Pursuant to the foregoing stipulation of the parties, and for good cause shown, it is hereby  
23 ORDERED that the deadline for Defendants HANFORD POLICE DEPARTMENT and  
24 OFFICER BRIAN SCANDURA to respond to Plaintiff's Fourth Amended Complaint is  
25 extended to and including September 9, 2022.

26 IT IS FURTHER ORDERED that the Mandatory Scheduling Conference currently set  
27 for September 22, 2022 is continued to **December 20, 2022, at 9:00 AM in Courtroom 8**  
28 **(BAM) before Magistrate Judge Barbara A. McAuliffe.** The Parties will file a Joint Report

1 in accordance with the requirements set for in the Court's Order dated February 10, 2022 (Doc.  
2 19). The parties shall appear at the conference with each party connecting remotely either via  
3 Zoom video conference or Zoom telephone number. The parties will be provided with the Zoom  
4 ID and password by the Courtroom Deputy prior to the conference. The Zoom ID number and  
5 password are confidential and are not to be shared. Appropriate court attire required.

6 The parties are cautioned that further extensions of time will not be granted absent a  
7 demonstrated showing of good cause.

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9 IT IS SO ORDERED.

10 Dated: July 6, 2022

/s/ Barbara A. McAuliffe  
11 UNITED STATES MAGISTRATE JUDGE  
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